

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

**IN RE: AME CHURCH EMPLOYEE
RETIREMENT FUND LITIGATION**

MDL Docket No. 1:22-md-03035

ALL CASES

Honorable S. Thomas Anderson

**JOINT STATUS UPDATE IN ADVANCE OF
OCTOBER 27, 2022 STATUS CONFERENCE**

At the initial status conference in this matter, the Court requested that the Parties provide a joint update on the status of litigation before the October 27, 2022 status conference. [ECF No. 69]. In advance of that status conference, the Parties report as follows:

I. Procedural Overview Since the August 4, 2022 Status Conference

On August 19, 2022 Plaintiffs filed a Consolidated Amended Complaint. [ECF No. 74]. The Amended Complaint consolidated the six then pending complaints into one and added several new parties and claims. Of particular note, Plaintiffs asserted new direct claims against 11 parties that had not previously been sued by Plaintiffs (although most of these parties were defendants to the AMEC's Third-Party Complaint filed in *Rev. Ewing v. Newport Group, Inc.* et al, Case No. 2:22-cv-02136, ECF No. 52 (W.D.Tenn.)). Below is a chart of the new Defendants and when each was served with the Amended Complaint:

DEFENDANT	DATE SERVED WITH AMENDED COMPLAINT¹
Financial Freedom Funds, LLC	August 26, 2022
Symetra Life Insurance Company	August 26, 2022
Financial Freedom Group, Inc.	August 29, 2022
Financial Technologies LLC	September 12, 2022
Motorskill Asia Ventures I, L.P.	September 22, 2022
Motorskill Ventures I, L.P.	September 19, 2022
Randall Erwin	Not yet served
Jarrold Erwin	Not yet served
Rodney Brown & Co.	Not yet served
Motorskill Venture Group	Not yet served
Motorskill Asia Venture Group	Not yet served

On September 19, 2022 Newport Group, Inc. filed a motion to dismiss all claims against it under Rules 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure. On the same date, the AMEC filed a partial motion to dismiss some of the claims against it (and related individuals and entities) under Rule 12(b)(6). Symetra Life Insurance Company timely filed its motion to dismiss under Rules 12(b)(1) and 12(b)(6) on October 10, 2022. Briefing on these motions to dismiss will be completed as follows:

DEFENDANT'S MOTION TO DISMISS	PLAINTIFFS' RESPONSE DEADLINE	DEFENDANT'S REPLY DEADLINE
Newport Group, Inc.	October 31, 2022	November 14, 2022 ²

¹ Plaintiffs are endeavoring to locate and serve the defendants not yet served.

² Newport Group reserves the right to seek an extension of its reply brief deadline.

AME Church Defendants	October 17, 2022 (filed)	October 31, 2022
Symetra Life Insurance Company	November 7, 2022	November 21, 2022

Based on dates of service, Defendants' answers to Plaintiffs' Amended Complaint were filed, or are due to be filed, as follows:

DEFENDANT	DATE ANSWER DUE
Rev. Dr. Jerome V. Harris	October 18, 2022
Robert Eaton	October 18, 2022
Financial Freedom Funds, LLC	October 25, 2022
Financial Freedom Group, Inc.	October 28, 2022
Financial Technologies LLC	November 11, 2022
Motorskill Asia Ventures I, L.P.	November 21, 2022
Motorskill Ventures I, L.P.	November 18, 2022
Newport Group, Inc.	Filed MTD
Symetra Life Insurance Company	Filed MTD
AME Church Defendants (including Bishop Samuel L. Green, Sr. and Bishop James Davis)	Filed Partial MTD and a Partial Answer and Cross-Complaint

On October 18, 2022, the AMEC Defendants filed a partial Answer to the Amended Complaint and Cross-Complaint against Defendant Harris, Symetra Financial Corporation, Newport Group, Inc., Robert Eaton, Jarrod Erwin, Randall Erwin, Financial Freedom Group, Inc., Rodney Brown & Company, and the four Motorskill Entities.

II. Status of Discovery

Initial disclosures were due on September 1, 2022 and were exchanged that

date by all parties that had been served with copies of the Amended Complaint. The following parties have since been served but have not yet exchanged their initial disclosures: Financial Freedom Funds, LLC, Financial Freedom Group, Inc., Financial Technologies, LLC, Motorskill Asia Ventures I, L.P., and Motorskill Asia Ventures I, L.P. Discovery commenced on September 9, 2022, and the Parties were permitted to serve initial written discovery requests on that date. [ECF No. 78, p. 2].

The following discovery requests have been served to date:

Party Serving Request	Party Served With Request	Type of Request Served	Date Request Served
Plaintiffs	AME Church	Interrogatories	September 9, 2022
Plaintiffs	AME Church	Requests for Production of Documents	September 9, 2022
Plaintiffs	Dr. Jerome Harris	Interrogatories	September 9, 2022
Plaintiffs	Dr. Jerome Harris	Requests for Production of Documents	September 9, 2022
Plaintiffs	Newport Group Inc.	Requests for Production of Documents	September 9, 2022
Plaintiffs	Newport Group Inc.	Interrogatories	September 9, 2022
Plaintiffs	Financial Freedom Group	Requests for Production of Documents	September 9, 2022
Plaintiffs	Financial Freedom Group	Interrogatories	September 9, 2022
Plaintiffs	Robert Eaton.	Interrogatories	September 9, 2022
Plaintiffs	Robert Eaton.	Requests for Production of Documents	September 9, 2022
Plaintiffs	Symetra Life Insurance Company	Interrogatories	September 9, 2022

Plaintiffs	Symetra Life Insurance Company	Requests for Production of Documents	September 9, 2022
Plaintiffs	Bishop Samuel L. Green	Interrogatories	September 26, 2022
Plaintiffs	Bishop Samuel L. Green	Requests for Production of Documents	September 26, 2022
Plaintiffs	Bishop James Davis	Interrogatories	September 26, 2022
Plaintiffs	Bishop James Davis	Requests for Production of Documents	September 26, 2022

After agreeing with Plaintiffs on brief extensions, Newport Group and Symetra Life Insurance Company timely served responses and objections to Plaintiffs' requests for production and interrogatories on October 18, 2022 (Newport) and October 10, 2022 (Symetra).

In addition, Plaintiffs are in the process of preparing and serving third-party subpoenas on various third parties and expect to have served several in advance of the status conference.

Once Plaintiffs have received responses to written discovery and received initial document productions, counsel intends to identify candidates for the first round of depositions and confer with counsel regarding scheduling.

AMEC Defendants requested and received an extension to their deadline to respond to Plaintiffs' discovery requests so that they could focus their attention on gathering the documents Plaintiffs identified as being necessary to move forward with an early mediation.

III. Proposed Protective and ESI Orders

The Parties have worked diligently on proposed protective and ESI orders. Plaintiffs proposed initial drafts on September 19, 2022. Defendants provided a consolidated set of initial edits on October 11, 2022. The Parties have worked collaboratively on these drafts thus far and expect to submit them to the Court before the status conference. The Parties will be prepared to address any concerns the Court may have about these documents at the October 27 status conference.

IV. Mediation

Plaintiffs, AME Church, the Eaton Defendants, Newport, and Symetra have recently agreed to engage in an early mediation with the Hon. Justice Janice M. Holder (Ret.) and are in the process of scheduling that mediation. At this time, no other defendants are willing to participate in the mediation process.

V. Proposed Schedule for Future Status Conferences

The Parties propose that future status conferences be scheduled approximately every sixty days, with a remote attendance option (either by telephone or video-conferencing) for parties that are unable or may not need to attend each status conference in person so as to limit the costs and burdens associated with attending each conference.

VI. Conclusion

The Parties appreciate the Court's diligent management of this matter and welcome the opportunity to address any additional matters the Court would like to discuss at the October 27 status conference.

Respectfully submitted this the 20th day of October 2022.

/s/ Matthew E. Lee

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